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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JAMALL BAKER,

10 Plaintiff,

11 v.

12 JERALD GRANT, et al.,

13 Defendants.
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Case No. 2:17-CV-1678-RSL-MAT

ORDER GRANTING IN
PART AND DENYING IN
PART DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT AND DENYING
PLAINTIFF'S MOTION TO
SUPPLEMENT COMPLAINT

16 The Court has reviewed defendants' motion for summary judgment, Dkts. #51, plaintiff's
17 response to their motion, Dkts. #58, defendants' reply in support of their motion, Dkt. #62,
18 plaintiff's motion to supplement his complaint, Dkt. #61, defendants' response to his motion,
19 Dkt. #65, the Report and Recommendation of Mary Alice Theiler, United States Magistrate
20 Judge, Dkt. #66, and the remaining record. It is hereby ORDERED that:

- 21 1. The Report and Recommendation is ADOPTED;
- 22 2. Defendants' motion for summary judgment, Dkt. #51, is GRANTED in part and
23 DENIED in part. Summary judgment is GRANTED as to plaintiff's First Amendment
24 retaliation claim against Officer Jerald Grant and his Eighth Amendment claim against Sergeant
25 Michael Clayton. These claims are DISMISSED without prejudice. Summary judgment is
26 DENIED as to plaintiff's First Amendment retaliation claim against Officer Jason Neely and his
27 Eighth Amendment claim against Officer Grant.
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ORDER GRANTING IN PART AND DENYING IN PART
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT - 1

3. Plaintiff's motion to supplement his complaint, Dkt. #61, is DENIED without prejudice to plaintiff bringing his proposed claim against Lily Harris in a separate lawsuit.

4. Plaintiff's motion to request ruling, Dkt. #70, is DENIED as moot.

5. The matter is RE-REFERRED to Judge Theiler for further proceedings, including the scheduling of an evidentiary hearing on the issue of whether plaintiff has exhausted his administrative remedies in his claim against Officer Neely.

6. The Clerk is directed to send copies of this Order to the parties and to Judge Theiler.

DATED this 7th day of February, 2019.

Mt S Casnik

Robert S. Lasnik
United States District Judge